

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **WARREN M. ZEITLIN, M.D.**

4 Holder of License No. 20208
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

Case No. MD-09-0269A

**ORDER FOR LETTER OF REPRIMAND
AND CONSENT TO SAME**

7 Warren M. Zeitlin, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Letter of Reprimand; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 20208 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-09-0269A after receiving notification of
17 a malpractice settlement involving Respondent's care and treatment of a sixty-seven year-
18 old male patient ("JW").

19 4. On January 29, 2004, JW was seen by Respondent following a history of
20 fever, treatment for bronchitis and an emergency room visit in which he was treated with
21 Rocephin and given oral antibiotics. JW's blood cultures showed coagulase negative
22 streptococcus and he was admitted to the hospital under the direction of Respondent. JW
23 was noted to have a loud systolic murmur and a transesophageal echocardiogram (TEE)
24 was interpreted to show a possible vegetation on his bioprosthetic aortic valve. JW was
25

1 treated with intravenous (IV) vancomycin and was transferred to another hospital for
2 further evaluation of possible endocarditis.

3 5. Two subsequent sets of blood cultures performed after JW had received
4 antibiotics were negative. Following a two-day hospitalization that included IV vancomycin
5 and cardiac catheterization with subsequent stent placement, JW was discharged on
6 January 31, 2004 with the recommendation to follow up with Respondent and repeat the
7 TEE. On February 1, 2004, JW was readmitted to the hospital for another two days with a
8 diagnosis of heart failure. The recommendations at discharge were to follow up with
9 Respondent and to repeat blood cultures in two weeks.

10 6. On February 10, 2004, Respondent saw JW for a follow up visit. However,
11 previous inpatient details of possible endocarditis and recommendations for repeat TEE
12 and blood cultures were not recognized and not treated. Respondent recommended that
13 JW obtain a transthoracic echocardiogram to reassess his left ventricle and valvular
14 function. On February 24, 2004, the echocardiogram was performed that showed the valve
15 to be functioning appropriately with mild aortic regurgitation. However, JW failed to
16 improve, was admitted to the hospital, and diagnosed with severe aortic stenosis
17 secondary to endocarditis. JW subsequently died from myocardial infarction complication
18 by endocarditis and aortic stenosis.

19 7. The standard of care for a patient with a predisposition presenting with
20 history of fever, positive blood cultures growing a typical organism for endocarditis, and
21 TEE findings possibly consistent with endocarditis requires a physician to treat the patient
22 for endocarditis unless and until the diagnosis has been disproven.

23 8. Respondent deviated from the standard of care because he did not diagnose
24 and treat JW for endocarditis until the diagnosis was disproven.

25 9. Respondent's failure to diagnose and treat JW led to his death.

1 **CONCLUSIONS OF LAW**

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be
6 harmful or dangerous to the health of the patient or the public.").

7 **ORDER**

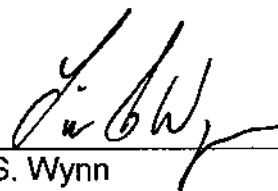
8 IT IS HEREBY ORDERED THAT Respondent is issued a Letter of Reprimand.

9
10 DATED AND EFFECTIVE this 2ND day of DECEMBER, 2009.



14 ARIZONA MEDICAL BOARD

15 By


Lisa S. Wynn
Executive Director

16
17 **CONSENT TO ENTRY OF ORDER**

18 1. Respondent has read and understands this Consent Agreement and the
19 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
20 acknowledges he has the right to consult with legal counsel regarding this matter.

21 2. Respondent acknowledges and agrees that this Order is entered into freely
22 and voluntarily and that no promise was made or coercion used to induce such entry.

23 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
24 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
25 this Order in its entirety as issued by the Board, and waives any other cause of action
related thereto or arising from said Order.

1 4. The Order is not effective until approved by the Board and signed by its
2 Executive Director.

3 5. All admissions made by Respondent are solely for final disposition of this
4 matter and any subsequent related administrative proceedings or civil litigation involving
5 the Board and Respondent. Therefore, said admissions by Respondent are not intended
6 or made for any other use, such as in the context of another state or federal government
7 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
8 any other state or federal court.

9 6. Upon signing this agreement, and returning this document (or a copy thereof)
10 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
11 the Order. Respondent may not make any modifications to the document. Any
12 modifications to this original document are ineffective and void unless mutually approved
13 by the parties.

14 7. This Order is a public record that will be publicly disseminated as a formal
15 disciplinary action of the Board and will be reported to the National Practitioner's Data
16 Bank and on the Board's web site as a disciplinary action.

17 8. If any part of the Order is later declared void or otherwise unenforceable, the
18 remainder of the Order in its entirety shall remain in force and effect.

19 9. If the Board does not adopt this Order, Respondent will not assert as a
20 defense that the Board's consideration of the Order constitutes bias, prejudice,
21 prejudgment or other similar defense.

22 10. Any violation of this Order constitutes unprofessional conduct and may result
23 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
24 consent agreement or stipulation issued or entered into by the board or its executive
25 director under this chapter") and 32-1451.

DATED: 10/13/09

W. M. Zeitlin, M.D.
WARREN M. ZEITLIN, M.D.

EXECUTED COPY of the foregoing mailed
this 2nd day of December, 2009 to:

Renee Coury
Campbell Yost Clare & Norell PC
101 N. 1st Avenue, Suite 2500
Phoenix, Arizona 85003-1904

EXECUTED COPY of the foregoing mailed
this 2nd day of December, 2009 to:

Warren M. Zeitlin, M.D.
Address of Record

ORIGINAL of the foregoing filed
this 2nd day of December, 2009 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

Korinda Corley
Arizona Medical Board Staff